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12 ANTONIO IBARRA LEMUS

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
v.
ANTONIO IBARRA LEMUS,
Defendant.

No. Cr. F 99-5344 AWI

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable ANTHONY W. ISHII

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Defendant, ANTONIO IBARRA LEMUS, by and through his attorney, Assistant Federal
Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its
counsel, Assistant U.S. Attorney Kathleen A. Servatius, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of
imprisonment in the case of a defendant who has been sentenced to a term of imprisonment
based on a sentencing range that has subsequently been lowered by the Sentencing Commission
pursuant to 28 U.S.C. § 994(o);

2. On July 31, 2007, this Court sentenced Mr. Lemus to a term of 188 months
imprisonment on each of Counts One and Two, to be served concurrently, for a total term of 188
months;

3. His total offense level was 36, his criminal history category was I, and the
resulting guideline range was 188 to 235 months;

1 4. The sentencing range applicable to Mr. Lemus was subsequently lowered by the
2 United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014,
3 see 79 Fed. Reg. 44,973;

4 5. Mr. Lemus's total offense level has been reduced from 36 to 34, and his amended
5 guideline range is 151 to 188 months; and,

6 6. Accordingly, the parties request the Court enter the order lodged herewith
7 reducing Mr. Lemus's term of imprisonment to a total term of 151 months.

8 Respectfully submitted,

9 Dated: November 25, 2014

10 BENJAMIN B. WAGNER
11 United States Attorney

12 /s/ *Kathleen A. Servatius*
13 KATHLEEN A. SERVATIUS
14 Assistant U.S. Attorney

15 Attorney for Plaintiff
16 UNITED STATES OF AMERICA

 Dated: November 25, 2014

 HEATHER E. WILLIAMS
 Federal Defender

 /s/ *David M. Porter*
 DAVID M. PORTER
 Assistant Federal Defender

 Attorney for Defendant
 ANTONIO IBARRA LEMUS

ORDER

17 This matter came before the Court on the stipulated motion of the defendant for reduction
18 of sentence pursuant to 18 U.S.C. § 3582(c)(2).

19 The parties agree, and the Court finds, that Mr. Lemus is entitled to the benefit
20 Amendment 782, which reduces the total offense level from 36 to 34, resulting in an amended
21 guideline range of 151 to 188 months.

22 IT IS HEREBY ORDERED that the term of imprisonment imposed in July 2007 is
23 reduced to a term of 151 months on each of Counts One and Two, to be served concurrently, for
24 a total term of 151 months.

25 IT IS FURTHER ORDERED that all other terms and provisions of the original judgment
26 remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above
27 reduction in sentence, and shall serve certified copies of the amended judgment on the United
28 States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Lemus shall report to the United States Probation Office within seventy-two hours after his release.

IT IS SO ORDERED.

Dated: November 26, 2014

~~SENIOR DISTRICT JUDGE~~